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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/378,674	08/20/1999	LEE G. LAWRENCE	MEDO-5007-PU	9415

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EXAMINER	
SRIVASTAVA, VIVEK	
ART UNIT	**PAPER NUMBER**
2611	

DATE MAILED: 03/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/378,674	LAWRENCE ET AL.	
	Examiner	Art Unit	
	Vivek Srivastava	2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 October 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *11-16 and 18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *11-16 and 18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

(1) Applicant argues that it appears that the teachings of Atalla relied upon by the Examiner are not used for manipulating traditional television program broadcast signals, but are only used for video on demand applications.

The Examiner concurs that Atalla does not discloses manipulating traditional television program broadcast signals. It is noted that to teach this feature, in the previous office action, the Examiner took Official Notice.

(2) Applicants request that the Examiner produce authority for the Official notice taken for claim 11.

In response to Applicants request for a reference to support the Official notice taken, the Examiner cites Huizer et al (5,873,022). Huizer clearly teaches manipulating traditional television program broadcast signals as presented below. More references to support the Examiner's position can be furnished to support the Examiner's position if requested by Applicant's.

(3) Applicants argue that in light of this directly contrasting concept within Atalla, there is not motivation to modify Atalla to achieve the claimed invention.

The Examiner respectfully disagrees. In providing VOD programming, a variety of programming including but not limited to traditional television broadcast programs would have provided more options to a user which would enhance the interactive experience by providing VCR type functions for traditional television programs as well providing a user with more control and interactivity with respect to traditional television programs. As a result, Applicant's arguments are not persuasive.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 11-15 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Atalla et al (5,477,263) in view of Lawrence et al (5,555,277) and Huizer et al (5,873,022).

Considering claim 11 , Atalla discloses receiving a television program broadcast signal at a headend (fig 2, col 2 lines 2-17, c01 3 lines 16-46, signal on link 34 is transmitted to community center 10 or headend), establishing a buffered storage queue at the headend that receives the signal (col 3 lines 16-46, *14 lines 32-67), transmitting a stream from the headend (fig 2 item 65, col 3 lines 16-46), the stream being derived from the signal (fig 2, c01 3 lines 16-46, col 4 lines 10-18, stream 65 is

derived from the signal transmitted to the headend from master files via link 34), and the stream originating from a user selected playback point in the buffered storage queue (col 3 lines 16-46, col 5 lines 9-12, playback point can be selected by fast forwarding or reversing video in the buffer).

Atalla fails to disclose a communication system including a headend which sends programming to a plurality of hubs with each hub sending the programming to at least one node that distributes the programming to end users. Lawrence teaches using hubs and nodes equipped with amplifiers to remedy this problem (see col 2 lines 12-32 and col 4 lines 30-48). It would have been obvious including hubs and nodes equipped with amplifiers in the transmission system of Atalla would have reduced signal attenuation thus providing a higher quality signal for the end user. Therefore, it would have been obvious to one having ordinary skill in the ad at the time the invention was made, to modify Atalla to include the claimed plurality of hubs and nodes to provide a higher quality image for the end user.

Attala fails to disclose manipulating a traditional television program whereby the traditional television broadcast signal is distributed to the user and wherein the user selection of the playback point allows the user to manipulate an otherwise traditional television signal.

In analogous art, Huizer et al teaches a VOD system which provides a user with on-demand traditional television programming (see col 25 lines 25 – 30, col 3 lines 46 – 51. Huizer further teaches VCR type functions including pause, slow-motion etc. can be performed on the requested traditional television programming (see col 2 lines 60 – 67,

col) thereby enabling a selection of the playback point i.e. selecting resume after pause or slow-motion. It would have been obvious modifying Atalla to include the claimed limitation would have provided a viewer with a variety of programming and thus more options which would enhance the interactive experience by providing VCR type functions for traditional television programs as well providing a user with more control and interactivity with respect to traditional television programs.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Atalla to include the limitation to provide the user with manipulation of traditional television programs thereby also providing the user with more control and interactivity by providing VCR type functions on traditional television programs.

Regarding claim 12, Atalla discloses unicasting a plurality of streams (fig 2 - unicasted streams are met by plurality of streams 65 transmitted to user destination 90), each stream being derived from the signal (fig 2, c01 3 lines 16-46, col 4 lines 10-18, each stream originating from a corresponding user selected playback point in the storage queue (col 3 lines 16 - 46, çol 5 lines 9 - 12, playback point can be selected by fast-forward or reversing video in the buffer).

Regarding claim 13, Atalla discloses in response to a user at a destination requesting to pause (col 2 lines 55 - 58, col 9 lines 26 - 30), sliding the user selected point within the queue at such a rat: to cause the playback point to remain ?substantially

stationary in time (col 2 lines 55- 58, col 9 lines 26 - 30, the pause feature keeps the video stationary in time), in response to a user at the destination requesting to resume, stopping the sliding (col 3 lines 16-46, this feature is inherent and must be included to play the video after pausing, normal) controls of video tape player in col 2 lines 55 - 65, all video tape players include a button for resuming play after pausing).

Regarding claim 14, Atalla discloses in response to a user at a destination requesting to rewind (col 5 lines 8-12), sliding the user selected point with the queue at such a rate to cause the playback point to move backward in time (col 5 lines 8 -12, sliding backward is met by' reversing at twice speed), in response to a user at the destination requesting to resume, stopping the sliding (col 5 lines 8-12), this feature is inherent and must be included to play the video after rewinding, normal controls of a video tape player in col 2 lines 55-65, all video tape players include a button for resuming play after rewinding).

Regarding claim 15, Atalla discloses in response to a user at a destination requesting to fast forward (col 3 lines 37-47), sliding the user selected point within the queue at such a rate to cause playback point to move forward in time (col 3 lines 6-46, this feature is inherent and must be included to play the video after fast-forwarding, normal controls of a video tape player in col 2 lines 55-65, all video tape players include a button for resuming play after rewinding).

Considering claim 18, Atalla discloses a headend (5g 2, col 2 lines 2-17, col 3 lines 16-46, the headend is met by community center 10), the headend being operative

to establish a buffered storage queue at the headend (col 3 lines 16 - 46, col 4 lines 32 - 67), the headend being further operative to transmit a stream form the headend (fig 2 item 65, c01 3 lines 16 - 46), the stream being derived form the signal (fig 2, col 3 lines 16-46, col 4 lines 10-18, stream 65 is derived form the signal transmitted to the headend from master files via link 34), and the stream originating from a user selected playback point in the buffered storage queue (col 3 lines 16-46, col 5 lines 9-12, playback point can be selected by fast-forwarding or reversing video in the buffer).

Atalla fails to disclose the plurality of hubs and nodes. See claim 11 for obviousness.

Attala fails to disclose manipulating a traditional television program whereby the television broadcast signal is distributed to the user and wherein the user selection of the playback point allows the user to manipulate an otherwise traditional television signal. See claim 11 for obviousness.

Claim 16 is rejected under à5 U.S.C. 103(a) as being unpatentable over Atalla (5,832,287) in view of Lawrence et al (5,555,277) and Huizer et al (5,873,022) as applied to claim 11 above, and further in view of Logan et al (5,371,551).

Considering claim 16, Atalla discloses receiving the stream at the destination (fig 2 item 90, col 3 lines 16-47, col 5 lines 1-9) an playing the stream at the destination via a settop box (col 5 lines 1-21, col 6 lines 57-67). Atalla fails to disclose establishing a buffered storage queue at the destination that receives the stream and in response to a user selecting a desired position in the destination buffered storage queue, playing the

stream at the destination from the desired position in the destination buffered storage queue.

Logan teaches including a buffer in a user's receiver provides displaying a mosaic of images representing positions of video which a user can select to view an instant replay (col 2 lines 3-10, col 6 lines 35-50). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Atalla to include a buffer storage queue at the destination as claimed to provide the user with an instant replay feature enabling the user to quickly replay a desired portion of a video.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vivek Srivastava whose telephone number is (703) 305-4038. The examiner can normally be reached on Monday – Friday from 9 am to 6 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (703) 305-4755. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Vs
2/9/05

VIVEK SRIVASTAVA
PRIMARY EXAMINER